

costs or prices for consumers, individual industries, Federal, State, or local governmental agencies or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 18, 2003.

Brent Wahlquist,

Regional Director, Appalachian Regional Coordinating Center.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 092403I]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery Management Plan; Red Grouper Fishery of the Gulf of Mexico; Environmental Assessment for Secretarial Amendment 1

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice announcing preparation of an environmental assessment (EA).

SUMMARY: NOAA Fisheries is preparing an EA, in accordance with the National Environmental Policy Act (NEPA), for

Secretarial Amendment 1 to the Reef Fish FMP.

FOR FURTHER INFORMATION CONTACT: Phil Steele, telephone: 727-570-5305, fax: 727-570-5583, e-mail: *Phil.Steele@noaa.gov*

SUPPLEMENTARY INFORMATION: Red grouper in the Gulf of Mexico were declared to be overfished and undergoing overfishing by NOAA Fisheries in October 2000. Secretarial Amendment 1 was developed to establish a rebuilding plan. As the actions being considered were likely to have significant social and economic impacts under NEPA, a Draft Supplemental Environmental Impact Statement (DSEIS) was planned instead of initially preparing a less comprehensive EA. A Notice of Intent to prepare this DSEIS was published in the **Federal Register** on February 15, 2002 (32 FR 7123).

In September 2002, the Council's Reef Fish Stock Assessment Panel reviewed a new red grouper stock assessment prepared by the Southeast Fishery Science Center. The 2002 assessment confirmed the previous conclusion that red grouper were overfished in 1997, but found that the stock was in an improved condition by 2001. However, it had not yet reached the level needed to produce maximum sustainable yield on a continuing basis (B_{MSY}). Therefore, a rebuilding plan is still needed. Because the current (2001) stock biomass is closer to B_{MSY} than the biomass in 1997, a less restrictive rebuilding plan is needed to attain B_{MSY} within 10 years or less. The original version of this Secretarial Amendment proposed a rebuilding plan divided into 3-year intervals. For the first 3-year interval, the original plan called for a 45-percent reduction from the 1990-2001 average harvest, with harvest levels in subsequent years to be determined by future stock assessments. In the current version, a 9.5-percent reduction from the 1999-2001 average harvest is the first 3-year target.

The proposed actions in Secretarial Amendment 1 are not presently expected to have a significant impact on the human environment. Consequently, NOAA Fisheries is initially preparing an EA, rather than proceeding directly to a DSEIS, in support of Secretarial Amendment 1 to the Reef Fish FMP. If the EA results in a Finding of No Significant Impact (FONSI), the EA and FONSI will be the final environmental documents required by NEPA. If the EA reveals that significant environmental impacts may be reasonably expected to result from the proposed actions, NOAA

Fisheries will prepare a DSEIS to further evaluate those impacts.

This announcement is intended to inform the public of the change from preparation of a DSEIS to preparation of an EA for Secretarial Amendment 1 to the Reef Fish FMP.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 29, 2003.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 092403H]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Proposed Amendment 13 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico; Notice of Preparation of Environmental Assessment

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice announcing preparation of an environmental assessment (EA).

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to prepare an EA, in accordance with the National Environmental Policy Act (NEPA), for Amendment 13 to the Shrimp FMP.

FOR FURTHER INFORMATION CONTACT: Phil Steele, telephone: 727-570-5305, fax: 727-570-5583, e-mail: *Phil.Steele@noaa.gov*.

SUPPLEMENTARY INFORMATION: The proposed actions in Amendment 13 would establish a bycatch reporting methodology, as well as status criteria and benchmarks such as maximum sustainable yield, optimum yield, minimum stock size threshold, and maximum fishing mortality threshold, for penaeid and Royal Red shrimp stocks in the Gulf of Mexico. These actions were originally combined with other actions the Council was evaluating in Amendment 13 to the Shrimp FMP. However, this earlier Amendment 13 had become very complicated with the addition of measures to reduce effort and alternatives for a bycatch quota. The highest priorities were the establishment of status criteria and

benchmarks, and development of a standardized bycatch reporting methodology. At the May 2003 meeting, the Council voted to move all other parts of Amendment 13 into Amendment 14. Amendment 14 includes alternatives for vessel permits, effort reduction, bycatch quotas and improvement of collection of effort data.

As some of the requirements being considered in the original Amendment 13 were likely to have significant social and economic impacts under NEPA, a Notice of Intent to prepare a Draft Supplemental Environmental Impact Statement (DSEIS) was published in the

Federal Register on August 19, 2002 (67 FR 53769). Once Amendment 14 was created, however, these requirements were moved into the new amendment.

The proposed actions remaining in Amendment 13 are not presently expected to have a significant impact on the human environment. Consequently, an EA will initially be prepared rather than proceeding directly with a DSEIS. If the EA results in a Finding of No Significant Impact (FONSI), the EA and FONSI will be the final environmental documents required by NEPA. If the EA reveals that significant environmental impacts may be reasonably expected to

result from the proposed actions, the Council will prepare a DSEIS to further evaluate those impacts.

This document is intended to inform the public of the change from the direct preparation of a DSEIS to the initial preparation of an EA for Amendment 13 to the Shrimp FMP.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 29, 2003.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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